

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WALTER W. THIEMANN, et al. : **Civil Action No. C-1-00-793**
Plaintiffs, : **Judge Sandra S. Beckwith**
vs. : **Magistrate Judge Timothy Hogan**
OHSL FINANCIAL CORP., et al. :
Defendants. :

PLAINTIFFS' OBJECTION TO MAGISTRATE JUDGE HOGAN'S ORDER
(DOC. NO 410)

Plaintiffs respectfully submit this objection to Magistrate Judge Hogan's Order.
(Doc. No. 410) This objection is supported by the attached Memorandum in Support.

Dated: 9 November 2004

GENE MESH & ASSOCIATES

/s/ Michael G. Brautigam
Gene Mesh (0002076)
Michael G. Brautigam
2605 Burnet Avenue
Cincinnati, Ohio 45219-2502
(513) 221-8800
(513) 221-1097 (Facsimile)

Attorneys for Plaintiffs and the Putative Class

MEMORANDUM IN SUPPORT OF OBJECTION**I. INTRODUCTION**

Plaintiffs respectfully object to Magistrate Judge Hogan's Order (Doc. No. 410) because it is clearly erroneous and contrary to law. This Order (Doc. No. 410) came as a surprise to the Plaintiffs because the case had already been dismissed at the time that it was filed. As a result, since all issues related to this Order appear to be moot at this time, the Plaintiffs will not take the Court's time by presenting the merits of their arguments in relation to this Order. Rather, the Plaintiffs will only file this brief objection to maintain an accurate record and to preserve any rights that they might have if the Court of Appeals grants Plaintiffs' mandamus petition, or eventually overturns this dismissal when the Plaintiffs' file their appeal.

II. CONCLUSION

Thus, for the foregoing reasons, the Plaintiffs file this Objection to Magistrate Judge Hogan's Order (Doc. No. 410). This Order is not only substantively erroneous and contrary to the law, but it also procedurally irregular since it was filed after this Court's dismissal of this case. Therefore, since the issue of this Order (Doc. No. 410) is presently moot, the Plaintiffs file this Objection now solely to maintain the record and to preserve their right to object to this Order on the merits should they prevail with their mandamus petition or future appeal.

DATED: 9 November 2004

Respectfully Submitted,

/s/ Michael G. Brautigam
Gene Mesh (OH Bar # 0002076)
Michael G. Brautigam
GENE MESH & ASSOCIATES
2605 Burnet Avenue
Cincinnati, Ohio 45219-2502
(513) 221-8800
(513) 221-1097 (fax)

*Attorneys for Plaintiffs and the
Putative Class*

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Plaintiffs' Reply to the Provident and OHSL Defendants' Response to Plaintiffs' Objection to Magistrate Judge Hogan's Nov. 4, 2004 Order (Doc. No. 410) was served this 9th day of November as per the ECM system:

James E. Burke, Esq.
Keating, Muething & Klekamp, P.L.L.
1400 Provident Tower
One East Fourth Street
Cincinnati, Ohio 45202-3752

James H. Greer, Esq.
Bieser, Greer & Landis, LLP
400 National City Center
6 North Main Street
Dayton, OH 45402-1908

/s/ Stephanie A. Hite

Stephanie A. Hite